

1 Defendant, the Acting Commissioner of Social Security (the “Commissioner”), through the
2 undersigned counsel, hereby requests an extension of time to file her Cross-Motion to Affirm and Response
3 to Plaintiff’s Motion for Reversal and/or Remand, which is currently due on or before September 7, 2021.

4 In addition to arguments addressing the final decision on her individual claim, Plaintiff’s brief
5 contains a sweeping constitutional claim challenging the structure of the Social Security Administration.
6 Plaintiff did not assert a constitutional claim challenging the agency’s structure in her complaint, so the
7 government did not have “fair notice of what the . . . claim is and the grounds upon which it rests.” *See*
8 *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (quoting *Conley v. Gibson*, 355 U.S. 41, 47 (1957)).

9 Developing an appropriate response to Plaintiff’s constitutional claim will require extensive
10 consultation and coordination between the Social Security Administration and the Department of Justice.
11 That consultation and coordination will include consideration of Supreme Court decisions issued in late
12 June 2021, including *Collins v. Yellen*, 141 S. Ct. 1761 (2021) (addressing constitutional challenge to
13 structure of Federal Housing Finance Agency and related remedial and other issues).

14 Should the Court wish to entertain the constitutional claim as part of the current briefing without
15 requiring Plaintiff to seek consent or leave to file an amended complaint, Defendant requests a 30-day
16 extension, up through and including October 7, 2021, within which to file her response.

17 On August 30, 2021, the undersigned conferred with Plaintiff’s counsel, who has no opposition to
18 the requested extension.

19 It is therefore respectfully requested that Defendant be granted a 30-day extension of time to file
20 her Cross-Motion to Affirm and Response to Plaintiff’s Motion for Reversal and/or Remand, through and
21 including October 7, 2021.

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1 Dated: August 30, 2021

2 CHRISTOPHER CHIOU
Acting United States Attorney

3 /s/ Allison J. Cheung
4 ALLISON J. CHEUNG
Special Assistant United States Attorney

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8 IT IS SO ORDERED:

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10 UNITED STATES MAGISTRATE JUDGE

11 DATED: August 31, 2021
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